

SOTO. CARLOS SOTO, III is the surviving spouse of **LINDA SOTO** and Personal Representative of her estate (no administration is necessary).

2. Defendant, **NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL, INC. d/b/a NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL**, is a Foreign For-Profit Corporation and the proper party Defendant in this cause in accordance with the Federal Rules of Civil Procedure. All acts and/or omissions complained of herein took place at the **NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL, INC. d/b/a NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL**, 2041 Sundance Parkway, New Braunfels, Texas 78130. The negligence complained of arose from the treatment of the Plaintiff by **NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL, INC. d/b/a NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL**.

3. Defendant **NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL, INC. d/b/a NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL** is a Foreign For-Profit Corporation, and can be served by delivering a copy of the summons and the complaint to their Registered Agent for service, Corporate Creations Network, Inc., 4265 San Felipe, #1100, Houston, Texas 77027.

4. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a) as the parties are citizens of different States, and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and cost.

5. Venue is proper in the United States District Court for the District of Texas because the wrongful acts upon which this lawsuit is based occurred, in whole or in part, in this District. Further, venue is proper in the United States District Court for the District of Texas because it is a judicial district in which a substantial part of the events or omissions giving rise to the claims making the basis of this lawsuit occurred.

FACTS

6. Plaintiff would show that at all times relevant hereto **NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL, INC. d/b/a NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL** is a health care facility which held, and does hold themselves out to the general public, including the Plaintiff herein, as a health care facility which is competent and qualified to provide health care services, with all the necessary care and precaution expected of health care facilities.

7. **LINDA ANN SOTO** was a 53 years old and was owed the duty of reasonable care, taking into consideration her known physical condition. Ms. Soto was admitted to **NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL, INC. d/b/a NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL** on April 3, 2015. Ms. Soto was a high fall risk. On April 10, 2013 at around 3:20 a.m., Ms. Soto had fallen and was found on the floor next to her bed.

8. Defendant **NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL, INC. d/b/a NEW BRAUNFELS REGIONAL REHABILITATION**

HOSPITAL was responsible to take reasonable precautions so that Ms. Soto would not fall. Further, the nursing staff at **NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL, INC. d/b/a NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL** was responsible for notifying the doctor of Ms. Soto's fall and to assess and monitor her condition following the fall.

9. On April 11, 2015, Ms. Soto was transferred back to SAMMC at her family's request due to her declining health. Upon admission to SAMMC, Ms. Soto had a CT Head/Brain Scan and it showed a right holohemispheric acute on chronic subdural hemorrhage with 14 mm right to left subfalcine herniation/midline shift. Ms. Soto died on April 16, 2013 due to the subdural hemorrhage from the fall.

NEGLIGENCE

10. Defendant, **NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL, INC. d/b/a NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL**, its agents, servants and employees were negligent in their treatment of **LINDA SOTO**, including but not limited to the following:

1. Failing to properly monitor **LINDA ANN SOTO**;
2. Failing to properly, adequately and/or timely assess **LINDA ANN SOTO'S** medical condition;
3. Failing to recognize the nature of **LINDA ANN SOTO'S** medical condition;
4. Failing to administer proper and/or adequate medical/nursing care and treatment to **LINDA ANN SOTO**; and

5. Failing to properly care plan **LINDA ANN SOTO'S** medical condition.

11. The foregoing acts or omissions constituted negligence and violated the standard of medical care to which Ms. Soto was entitled. Such acts and failures were the proximate cause of **LINDA SOTO'S** death.

DAMAGES

12. **CARLOS SOTO, III** brings this action for the Wrongful Death of **LINDA SOTO**. As a proximate cause of the occurrence made the basis of this lawsuit, Plaintiff has sustained substantial damages to which he is entitled and exemplary damages for the Wrongful Death of **LINDA SOTO**.

13. As a result of the occurrence, Plaintiff **CARLOS SOTO, III** has sustained substantial damages to which he is entitled under the law more particularly as follows:

1. pecuniary loss;
2. loss of companionship and society; and
3. mental anguish.

14. Furthermore, as a direct result of the occasion in question, Plaintiff **CARLOS SOTO, III** on behalf of the estate of **LINDA SOTO**, deceased, is entitled to money damages for the conscious pain, suffering, and mental anguish that **LINDA SOTO** sustained as a result of the incident for her untimely death. Plaintiff on behalf of the estate of **LINDA SOTO**, deceased, also bring this cause

of action for funeral expenses which were incurred on behalf of the estate of **LINDA SOTO**.

15. Plaintiff **CARLOS SOTO, III**, Individually and on Behalf of the Estate of **LINDSA SOTO**, demand judgment against Defendant, **NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL, INC. d/b/a NEW BRAUNFELS REGIONAL REHABILITATION HOSPITAL**, together with the costs and interest of this action.

16. **WHEREFORE, PREMISES CONSIDERED**, Plaintiff **CARLOS SOTO, III**, Individually and on Behalf of the Estate of **LINDA SOTO** prays that the Defendant be cited to appear and answer herein, and prays for judgment against the Defendant as follows:

- a. For damages together with costs and interest of this action;
- b. For costs of suit; and,
- c. For such other and further relief as may be deemed proper to which Plaintiff is entitled to under equity and law.

JURY DEMAND

17. Plaintiff hereby demands a trial by jury as to all claims in this action.

Respectfully submitted,

JANICEK LAW FIRM, PC

BY: /s/ Beth S. Janicek

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